

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - - X  
UNITED STATES OF AMERICA : 09-CR-405  
  
-against- US District Court  
Central Islip, NY  
FREDERICK CELANI,  
Defendant. : February 5, 2010  
- - - - - X 1:40 pm

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE ARTHUR D. SPATT  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government:

BENTON J. CAMPBELL  
United States Attorney  
One Pierrepont Plaza  
Brooklyn, New York 11201  
By: RICHARD LUNGER, ESQ.  
United States Attorney

For the Defense:

JAMES NEVILLE, ESQ.

Also Present:

Matthew Galimoto - FBI

Court Reporter:

Dominick M. Tursi, CM, CSR  
US District Courthouse  
1180 Federal Plaza  
Central Islip, New York 11722  
(631) 712-6108 Fax: 712-6124  
DomTursi@email.com

Proceedings recorded by mechanical stenography.  
Transcript produced by CAT.

1 (Call to Order of the Court. Appearances stated  
2 as indicated above.)

3 THE COURT: Good afternoon.

4 Mr. Neville sent me a couple of letters. One  
5 letter says that he has spent some time with Mr. Celani at  
6 the MDC and one of the topics covered was the fact that he  
7 still does not have a hearing aid.

8 And Mr. Neville said:

9 *"Mr. Celani informed me during yesterday's*  
10 *meeting that he does not want to come to court tomorrow,*  
11 *Friday, February 5, 2010, because at previous court*  
12 *sessions Mr. Celani has not been able to well capture what*  
13 *was transpiring due to his hearing impairment.*

14 *"Mr. Celani asserts that it is a violation of*  
15 *his right to constitutional due process of law not to be*  
16 *able to hear the proceedings and thus to be prevented from*  
17 *assisting his counsel in his defense. Mr. Celani does not*  
18 *want to return to court until he is fitted for and given a*  
19 *hearing aid by the Bureau of Prisons or by the United*  
20 *States Marshal Service."*

21 That is the end of the letter.

22 Now, please advise Mr. Celani that if he cannot  
23 hear anything he is to let us know and we will make sure  
24 that he is able to hear. If he can't hear, we are going  
25 to bring him right up here, right in front, with the

1 marshals with him of course, and so he will be able to  
2 hear everything.

3 Can he hear, Mr. Neville?

4 (Counsel and client confer.)

5 MR. NEVILLE: Your Honor, Mr. Celani informed me  
6 that he would like to approach to be closer to your Honor  
7 to be able to hear.

8 THE COURT: Sure. Tell him to come up.

9 (Counsel and the defendant move closer to  
10 bench.)

11 THE COURT: Tell Mr. Celani that if he doesn't  
12 hear anything, to raise his hand and we will make sure he  
13 hears everything.

14 Is he hearing me now?

15 THE DEFENDANT: He is. Yes, sir.

16 THE COURT: There was another letter I received  
17 from Mr. Neville concerning alleged technology.

18 I assume you got copies of these letters,  
19 Mr. Lunger.

20 MR. LUNGER: I did, your Honor. But when they  
21 came cross my screen I was on trial before Judge Seybert.

22 THE COURT: I know. You have been busy. How  
23 come you are here?

24 MR. LUNGER: Fortunately, Judge Seybert gives us  
25 Friday off.

1 THE COURT: You didn't see this letter?

2 MR. LUNGER: I probably glanced at it briefly,  
3 your Honor.

4 THE COURT: Do you want to take another look at  
5 it?

6 MR. LUNGER: May I, your Honor?  
7 (Referring.)

8 MR. LUNGER: Thank you, your Honor.

9 THE COURT: Well, I'm glad we have a  
10 representative of the FBI present. That is very handy for  
11 this letter.

12 The letter involves a claim by Mr. Celani -- are  
13 you listening to this, agent?

14 SPECIAL AGENT GALIOTO: Yes.

15 THE COURT: A claim by Mr. Celani that certain  
16 technology was placed in the air traffic control system in  
17 this country that could cause great destruction.

18 The letter by Mr. Celani, which is cited by  
19 Mr. Neville in his letter, says:

20 *"Additionally, in 2008 the above-mentioned*  
21 *Russian coconspirators revealed to Mr. Celani the*  
22 *existence of electronic technology capable of sabotage*  
23 *which has been, according to Mr. Celani, inserted into the*  
24 *terminal radar approach control systems of the New York*  
25 *John F. Kennedy and Chicago O'Hare Airports, which*

1     *terminal radar approach control systems guide aircraft*  
2     *within a 30 to 50 nautical mile radius of those airports.*  
3     *This technology, which Mr. Celani claims has been*  
4     *installed illegally and surreptitiously by Russians, was*  
5     *put in place sometime during the year 2005 and are ready*  
6     *to be engaged at any time.*

7             *Mr. Celani states that these systems are*  
8     *designed to interrupt and disrupt the terminal radar*  
9     *approach control systems of the airports mentioned above.*

10            *Mr. Celani has said that if these systems are*  
11     *utilized, what could result would be midair collisions*  
12     *between and among hundreds of aircraft.*

13            *Mr. Celani has told me that Daniel Furman, of*  
14     *the aforementioned law firm, Furman and Dilmaghani, was*  
15     *murdered due to the fact that Mr. Furman had opposed the*  
16     *placement of this electronic technology capable of the*  
17     *sabotage of the aforementioned traffic control systems."*

18            *That is what Mr. Celani is alleged to have told*  
19     *his lawyer Mr. Neville.*

20            *Mr. Neville goes on in his letter dated February*  
21     *4, 2010, to say:*

22            *"Mr. Celani asked me to write this letter*  
23     *emphasizing this issue again. He claims that this*  
24     *technology is in place and that it could cause the*  
25     *destruction outlined above if no one should intervene.*

1 Previous attempts by Mr. Celani to give this information  
2 at proffer sessions with the government have been ignored  
3 by the FBI and the Department of Justice who appear to  
4 rely instead upon an investigation done by the "FDI"  
5 (Fraud Discovery Institute) led by one Barry Minkow, a  
6 professional 'con' artist, himself."

7 And Mr. Neville goes on to say:

8 "This allegation of Mr. Celani must be explored  
9 further. If he is correct, the government will have the  
10 opportunity to stop a devastating terrorist attack and  
11 save many lives."

12 And then Mr. Neville concludes the letter as  
13 follows.

14 "I cannot, myself, verify any of these claims by  
15 Mr. Celani, but as I pore over the information that  
16 Mr. Celani gives me about himself, this case, and other  
17 matters related, I have yet to 'catch him in a lie.' In  
18 the event that Mr. Celani's version of the facts proves to  
19 be true, I do not want to be in a position where I had  
20 heard something this dire and did nothing."

21 Well, I am turning this information over to you,  
22 Mr. FBI Agent. I'm going to give you a copy of this  
23 letter and give it to whoever reviews these claims. I'm  
24 not saying that you should investigate the claim but you  
25 have to decide whether to investigate this claim, whatever

1 it is.

2 So I'm turning it over to you. Is that all  
3 right with you?

4 SPECIAL AGENT GALIOTO: Yes.

5 THE COURT: Okay. Now, Mr. Neville, is there  
6 anything else you want to bring up? Any other letters or  
7 any matters?

8 MR. NEVILLE: At this point, your Honor, no,  
9 thank you.

10 THE COURT: Has your client heard all of the  
11 things that have gone on so far?

12 THE DEFENDANT: Yes.

13 THE COURT: Where are we now, Mr. Lunger? I  
14 know you are tied up in another case and you are going to  
15 be busy for at least another two or three days on this  
16 case.

17 MR. LUNGER: Definitely another month or two,  
18 your Honor. But I'm fortunate that the FBI has made some  
19 good progress in discovery here.

20 I think the last time I was here, I told the  
21 court that there were --

22 THE DEFENDANT: I can't --

23 THE COURT: You can't hear that?

24 THE DEFENDANT: I can't hear that.

25 THE COURT: You get closer to him.

1 MR. LUNGER: I will try to keep my voice up.

2 I think the court may remember that the last  
3 time I was here, I described approximately nine hard  
4 drives that were seized from the Rainmaker facility in  
5 this case, that the FBI was currently processing them so  
6 that they could be read by, you know, anyone who wanted to  
7 search them.

8 Out of those nine hard drives, five of them have  
9 been processed, and any of information that out of an  
10 abundance of caution we thought might be of a privileged  
11 nature has now been exported from the hard drives and it  
12 is now available to turn over in camera. So we could  
13 probably do that next week, if the court would like.

14 With respect to the data that remains, the data  
15 that we have a comfort level in saying there is no  
16 privilege that attaches here, I have told Mr. Neville that  
17 those hard drives are available in the first instance for  
18 him to inspect. The way he can do that is, he can go down  
19 to the FBI's offices in Melville and they will sit him in  
20 front of a computer and he can look through any of the  
21 computer files that he wishes. And anything he wants a  
22 copy of, the FBI will provide him with a copy of.

23 The reason I proposed this in the first  
24 instance, it is the quickest way for Mr. Neville and the  
25 defendant to have access to the data. Anything that he



1 wants to be put either on a compact disk or on a hard  
2 drive, the FBI will provide that to him.

3 There are still four more hard drives that have  
4 not yet been processed, and that is going to be the FBI's  
5 next task. But because we have five hard drives that are  
6 available now, my proposal to Mr. Neville was come now and  
7 start going through them so that discovery will move  
8 forward. The FBI can complete its task of processing the  
9 remaining hard drives and we can move forward.

10 And Mr. Neville was agreeable to that process,  
11 although he said, you know, I may get there and say:  
12 Mr. Lurger, I want everything. And I said: Okay. That  
13 is fine, too. But I did tell him that if he wants  
14 everything on these hard drives -- now, remember, your  
15 Honor, these hard drives have 160 gigabytes of memory.

16 THE COURT: What does that mean?

17 MR. LUNGER: What I have been told is, one  
18 gigabyte is the equivalent of 1,000 novels.

19 THE COURT: 1,000 what?

20 MR. LUNGER: Novels.

21 THE COURT: Novels?

22 MR. LUNGER: Yes. So there is a lot of data.

23 THE COURT: Are you serious? I think that the  
24 treasury will go into bankruptcy paying Mr. Neville to  
25 look at these things.

1 MR. LUNGER: Well, my suggestion was to have him  
2 come and start to look at them because it may be --  
3 remember, your Honor, these were taken from offices, so  
4 there may be a lot of data on that is completely  
5 irrelevant to this case.

6 So, for instance, there may be administrative  
7 matters on there that have no relationship to this case  
8 and he may get in and say: Well, I know I don't want  
9 these files because they have nothing to do with the case,  
10 but I do want you to make a hard copy of certain other  
11 files.

12 So that was the procedure I proposed. And  
13 Mr. Neville, at least in the first instance, was amenable  
14 to this.

15 THE COURT: Mr. Neville, are you prepared to  
16 give up all the other cases that you have, stop living,  
17 and go there and take care of this, the thousands of  
18 novels that are on these, whatever they are?

19 MR. NEVILLE: I also wanted to tell the court  
20 that I'm a very slow reader, too.

21 I think Mr. Lunger's suggestion is a good one,  
22 and under the circumstances I will go there and explore  
23 and see what it is all about and report back.

24 My guess is that a lot of the material will be  
25 very easy to go through very quickly, I would imagine.

1 But I will certainly let the court know. But as I said,  
2 Mr. Lunger's suggestion is a good one, for me to go to the  
3 FBI and start the process.

4 THE COURT: Well, that is very good. How long  
5 do you think is going to take?

6 MR. LUNGER: That is an excellent question, your  
7 Honor. I'm hesitant to give a prediction now because I  
8 think a lot of it is going to depend on when Mr. Neville  
9 gets there. And he may say to me, Rick, a lot of this is  
10 completely irrelevant, I don't need it. Or he may say  
11 just the opposite. He may say I want everything. And if  
12 he says I want everything, then I have been told for each  
13 hard drive, it may take a couple of weeks per hard drive  
14 to export all the information on there and hand it over.

15 We have been doing status conferences every 60  
16 days. I think that is a good practice because in the last  
17 60 days they were able to process roughly half of the hard  
18 drives, so I hope in the next 60 days they will be just as  
19 efficient and I will be able to report to you that all the  
20 hard drives are now processed and available for  
21 inspection.

22 THE COURT: What do these hard drives consist  
23 of? What material is on these hard drives?

24 MR. LUNGER: It would be various files like  
25 Microsoft Word files that perhaps the court and I am

1 familiar with. They would be probably some Excel  
2 spreadsheets. All your typical business software that,  
3 you know, contains correspondence. These are business  
4 records.

5 They are business records, your Honor. That is  
6 what they are.

7 MR. NEVILLE: Your Honor, I will say, and I have  
8 made some, well, rather extensive comments in written  
9 submittals to the court, that according to Mr. Celani the  
10 case really revolves around a defense of duress and that I  
11 do think it is important that I review, to whatever extent  
12 necessary, these the materials that Mr. Lunger has been  
13 speaking of.

14 However, I think that, based on what Mr. Celani  
15 has told me, the extensive materials about which we are  
16 speaking now are of secondary importance for Mr. Celani  
17 and his defense in this case.

18 The interesting and dramatic and somewhat  
19 colorful statements and allegations that we have made,  
20 that I have made, that Mr. Celani has made through me to  
21 this honorable court; case in point, example, the letter  
22 that your Honor just read into the record regarding these  
23 allegations of potential sabotage of an air traffic  
24 control system.

25 But Mr. Celani has informed me, has spoken to

1 me, has given me vast amounts of information of a whole  
2 part of this case that has nothing to do with all those  
3 files, and that is really what I have been focusing on  
4 with Mr. Celani so far.

5 And again, I say it is important that I review  
6 to some extent these documents that Mr. Lunger is speaking  
7 of. But the case, according to Mr. Celani the importance  
8 of the case, the nexus of the case, revolves around  
9 allegations that I have written to the court about, that  
10 the business, I can't say it was a law firm that  
11 Mr. Celani was running because he did not have a license  
12 to practice law, but the apparent law firm that Mr. Celani  
13 was working in according to Mr. Celani was, for lack of a  
14 better word, now invaded by or infected by certain people  
15 who took the firm over and began the whole Rainmaker  
16 fraudulent scheme for the ultimate motive or purpose or  
17 goal of gaining funds which were then funneled or sent to  
18 organizations that are supporting efforts to topple the  
19 present government of Iran.

20 This is what Mr. Celani is telling me. And he  
21 has told me lot about this. And I have done the best I  
22 can in my small way to corroborate what Mr. Celani has  
23 said. And so far everything that Mr. Celani has told me  
24 has checked out, for lack of a better word. And  
25 Mr. Celani claims that persons that we anticipate will be

1 government witnesses in this trial were actually part of  
2 this group that is called the Iranian Parliament in Exile.

3 According to Mr. Celani, a group of people who  
4 want to go back to the former government when the Shah of  
5 Iran was in power before he was toppled by the revolution  
6 in 1979. I think it was in Iran. And this Iranian  
7 Parliament in Exile, according to Mr. Celani, is an  
8 organization that is operating as I speak, that it gathers  
9 funds and it sends money to people who are trying to  
10 undermine and sabotage the present government of Iran.

11 And according to Mr. Celani, the United States  
12 government, or elements of the United States government,  
13 support this Iranian Parliament in Exile because the  
14 United States foreign policy, I'm told, would not object  
15 to the present government of Iran being toppled.

16 Mr. Celani has claimed to me that certain people  
17 came into this business, this apparent law firm that  
18 Mr. Celani was operating, and essentially threatened  
19 Mr. Celani and Mr. Celani's children with death if  
20 Mr. Celani did not go along with this whole operation  
21 which I just described earlier, getting money and  
22 funneling it to this Iranian Parliament in Exile.

23 So our case is one of, our defense is one of  
24 duress. Mr. Celani claims that, either literally or by  
25 threat, a gun was put to his head, so to speak, and that's

1       why Mr. Celani was involved in the case.

2               Now, your Honor, I will say this, and this is  
3       one of the things that has been very intriguing to me. I  
4       don't consider myself crazy, although maybe after this  
5       case I will be and maybe after this case other people will  
6       think I am, but I do know that in this world that we live  
7       in, there are events that occur and therefore efforts that  
8       are taken by governments, by groups that nobody knows  
9       about, and that there is undercover stuff that occurs.  
10      There is activity with spies and CIA and the Russians and  
11      all the stuff that we read about in novels and see in  
12      movies. I think that a lot of that stuff does occur in  
13      the world.

14             So I'm not ready to dismiss Mr. Celani out of  
15      hand even though this is a very colorful and dramatic and  
16      somewhat, some would say outrageous claim on his part.

17             One thing among many but one example I will give  
18      your Honor right now without taking too much time gives me  
19      pause and makes me believe Mr. Celani, or at least not  
20      dismiss what he says.

21             There was a Securities and Exchange Commission  
22      civil action brought against Rainmaker out in California.  
23      And essentially factually what we have here before your  
24      Honor, that there was a fraud, that people were duped to  
25      give their money, to invest, and that it was just a fraud

1 and that people's money was stolen.

2 In that civil action in California, and I have  
3 gone on the computer, your Honor, and I have looked at the  
4 docket sheet for the case, I have printed the complaint,  
5 the civil complaint in that case, and in that civil  
6 complaint there is a long and detailed description of this  
7 scheme of Rainmaker. There is a man in that case as a  
8 defendant, by the name of Sidney Levine, who is Frederick  
9 Celani.

10 But, your Honor, in that Rainmaker case in  
11 California there are other individuals who were part and  
12 parcel, according to the SEC, of that fraud. And now we  
13 have come to New York in a criminal matter and the only  
14 person that stands as a defendant in the case is Frederick  
15 Celani. The other individuals are not mentioned. They  
16 are not arrested. They are not defendants. And that  
17 seemed very odd to me.

18 And that was one of numerous points that  
19 Mr. Celani has made to me. He claims, Mr. Celani claims,  
20 that the one person in this case who I think is going to  
21 be a government witness against Mr. Celani, Alireza  
22 Dilmaghani, this man is, as I understand it, according to  
23 Mr. Celani, is an Iranian national. He lives in this  
24 country and he is part of this group that is fomenting  
25 sabotage of the present government of Iran. He is part of



1 this Iranian Parliament in Exile. And his father, who  
2 lives in Canada, is also part of this whole effort. Mr.  
3 Dilmaghani's father in Canada, according to Mr. Celani,  
4 was a member of the secret police under the Shah of Iran  
5 in the 1970s.

6 And this group of people, your Honor, is the  
7 group that came into this law firm that Mr. Celani was  
8 working at and threatened Mr. Celani to go along with this  
9 whole effort.

10 And that is in a nutshell -- and believe me,  
11 your Honor, there is a lot more to it. I have spent a lot  
12 of time with Mr. Celani. But that in a nutshell is what  
13 Mr. Celani's defense is, as crazy as that sounds.

14 But as I say, your Honor, I have done enough  
15 research. I have researched on the internet. I have  
16 followed pretty much every lead that Mr. Celani has given  
17 to me and, lo and behold, your Honor, there is something  
18 to it. I don't think he has made this up out of whole  
19 cloth.

20 But the core, the nexus of the case, your Honor,  
21 was, is, was: Mr. Celani threatened to do this. And we  
22 have a man here, Mr. Celani, whose past precedes him. He  
23 is a man with a long list of convictions and a past of  
24 being a very accomplished con man, himself. So that adds  
25 to the puzzling nature of this. And it also of course

1 gives me pause when Mr. Celani speaks to me, and I always  
2 have to be very careful to corroborate everything that  
3 this man says to me. But so far, your Honor, everything  
4 that he has said to me to some extent or other has checked  
5 out.

6 (Counsel and client confer.)

7 MR. NEVILLE: Your Honor, Mr. Celani wants to  
8 speak to me. May I take a minute?

9 THE COURT: Sure.

10 (Counsel and client confer.)

11 MR. NEVILLE: Your Honor, this whole case is  
12 very interesting, but I must say --

13 THE COURT: It is getting more interesting each  
14 session.

15 MR. NEVILLE: That's right. And you haven't  
16 heard the half of it yet, your Honor.

17 THE COURT: I can hardly wait, Mr. Neville.

18 MR. NEVILLE: But, your Honor, what I think is  
19 important here is to corroborate Mr. Celani because, what  
20 if what Mr. Celani has said is true? I don't think that  
21 everything that has ever come out of this man's mouth is a  
22 lie.

23 A lot of what has come out of his mouth in his  
24 life has been a lie, but what if these things that  
25 Mr. Celani has been telling me are true? For example,

1 that letter that I wrote to the court, Mr. Celani asked me  
2 to write it about the area traffic control system. I  
3 don't know what is going on with possible terrorist  
4 attacks, but this kind of thing can be true.

5 And Mr. Celani has told me enough to give me  
6 pause and make me wonder: Gee whiz, what if what he is  
7 saying is true?

8 So what I think I'm trying to do here, your  
9 Honor, aside from bring your Honor up to speed a little  
10 bit as far as what is going on on our side of this case,  
11 not with the government's discovery issues with the  
12 documents but these more colorful facts that I'm dealing  
13 with with Mr. Celani, I would like to try to have the  
14 court help me in some way to corroborate Mr. Celani,  
15 because if he is lying -- he has told me that if your  
16 Honor were to review something in camera, for example, for  
17 example to have the information come to your Honor to vet  
18 what I have said about Mr. Dilmaghani, for example, what  
19 is his background, what is he all about?

20 And if your Honor then finds something which is  
21 radically opposite to what I have been saying, and I have  
22 just been basically parroting what Mr. Celani has told me  
23 but I have tried to filter it as best as I can by looking  
24 on the internet, by reading articles, by speaking the  
25 other people. I mean, I wouldn't just stand up here and

1 say these things unless I made some good-faith effort to  
2 see whether I was just making crazy allegations or  
3 possibly something that I am saying might be true.

4 But I think that if your Honor could, in camera,  
5 without myself, and I would even suggest that Mr. Lunger  
6 and the FBI agent could go in with your Honor to review  
7 whatever information your Honor could have before your  
8 Honor, and I wouldn't even be there, where you, your  
9 Honor, could make some determination as to the bone fides  
10 of what I have been saying that Mr. Celani has told me.  
11 Because Mr. Celani has said to me that the first time we  
12 catch him in a lie, he will plead guilty to the charges.  
13 No trial.

14 THE COURT: Do you have a copy of the indictment  
15 with you, by any chance?

16 MR. LUNGER: Yes, your Honor.

17 THE COURT: Can I see it, please.

18 MR. LUNGER: Yes, your Honor.

19 THE COURT: According to this indictment, this  
20 is a scheme to defraud, allegedly, involving this  
21 Rainmaker Managed Living, Inc, and assorted other  
22 companies allegedly involved in a scheme to fraudulently  
23 induce investors to invest, promising that the funds would  
24 be used for the purchase of property and they would  
25 receive a minimum return of 25 percent. And the scheme

1 allegedly is that they never intended to do this and  
2 deprive these investors of their money involving wire  
3 communications.

4 It is a rather simple type of indictment. You  
5 of course do what you want to do as far as a defense of  
6 your client. I see no reason for me to take part in any  
7 of this at this time. If you feel that all of this  
8 discovery that is being provided by the government is not  
9 really relevant to your defense here or is immaterial or  
10 you are not interested in it, that is up to you. The  
11 government has a duty to provide all the discovery for  
12 your use.

13 Also, I would request that the government at one  
14 time sometime before this trial, as soon as possible, tell  
15 you what evidence they do intend to use. I don't believe  
16 in waiting until the last minute. I want them to tell you  
17 what evidence they are going to use at this trial.

18 Now you bring forth this purported defense of  
19 duress. That is another matter. Is that not really  
20 dependent upon the discovery material? That is your  
21 defense, you say. The question is when this case is going  
22 to be mature enough to go to trial. And I'm sure your  
23 client, who I think is hearing everything I'm saying now,  
24 wants to go to trial as soon as possible.

25 So the government is going to provide you with

1 all this discovery, which you can review whenever you have  
2 the time to do it. But your defense, it seems to me, is  
3 something entirely separate from that, Mr. Neville.

4 MR. NEVILLE: Yes, I think it is, your Honor.

5 THE COURT: I would like to get this case to  
6 trial as soon as possible. I think your client, being  
7 incarcerated, should have a trial as soon as possible.

8 So Mr. Lunger is being very cooperative and he  
9 will continue to be cooperative and get you all this  
10 discovery material. And it is up to you to tell me when  
11 you are ready to go to trial.

12 MR. NEVILLE: I will do that, your Honor.

13 THE COURT: But all the things that you brought  
14 out are not for my consideration at this time.

15 I have to say that I commend you, Mr. Neville.  
16 I think you are doing an outstanding job and you personify  
17 what a federal defender, appointed by the court, should  
18 do. So I appreciate that.

19 MR. NEVILLE: Thank you. I appreciate those  
20 comments.

21 THE COURT: However, as I said, let's get this  
22 case going so we can get to trial.

23 How much time do you want to do this? I know it  
24 is a big job. It is an incredible job.

25 MR. NEVILLE: Yes, indeed, your Honor.

1 THE COURT: Has your client been hearing  
2 everything I said?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Okay.

5 MR. NEVILLE: Your Honor, my client just  
6 whispered into my ear 90 days. But I don't think that is  
7 enough time for me, speaking for myself, at all, to get  
8 this case ready for trial.

9 THE COURT: Well, the first step is for you to  
10 examine, to look at the records, the hard drives that  
11 counsel has.

12 I would like to have a status conference after  
13 that and see where we are going to go.

14 MR. LUNGER: Yes, your Honor.

15 THE COURT: Maybe you will decide you don't want  
16 to see all these hard drives. That is up to you to  
17 decide.

18 MR. NEVILLE: Yes, your Honor. And a lot will  
19 depend upon what Mr. Celani tells me because it could come  
20 to pass, I'm not saying that it will, but based on my time  
21 that I have spent with him and getting to know him a  
22 little bit, he may insist on a speedy trial; not in the  
23 term of art sense but a trial within a shorter period than  
24 I might feel comfortable with.

25 But Mr. Celani potentially maybe is capable of

1 telling me not to even worry about all those discovery  
2 materials; that we should just go forward with our side of  
3 the defense. I won't be surprised if he said that to me.

4 I am not saying that he has said it to me or  
5 that he will say this to me, but that is the kind of thing  
6 that might happen.

7 THE COURT: That is up to you. Meanwhile, we  
8 are going to give you a date if you want to review these  
9 hard drives.

10 How much time do you think that would be? At  
11 least 30 days. Maybe more.

12 MR. LUNGER: I was thinking more on the order of  
13 45 or 60 days, your Honor.

14 THE COURT: Let's make it 60 days, to give him a  
15 chance.

16 MR. LUNGER: Okay.

17 MR. NEVILLE: Thank you, your Honor.

18 THE COURT: I will return this indictment to  
19 Mr. Lunger.

20 MR. LUNGER: Thank you, your Honor.

21 THE COURTROOM DEPUTY: April 9 at 1:30.

22 THE COURT: How does that sit with you? You  
23 will be on trial. Right, Mr. Lunger?

24 MR. LUNGER: It is possible, your Honor, yes.  
25 It is a Friday so it is okay.



1 MR. NEVILLE: April 9 at 1:30. Correct?

2 THE COURT: How is that, Mr. Neville?

3 MR. NEVILLE: That is great, your Honor. Thank  
4 you.

5 THE COURT: Is that all right with your client?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Has he heard everything that has  
8 gone on so far?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Do you want a waiver of speedy  
11 trial?

12 MR. LUNGER: Yes, your Honor. It is designated  
13 complex.

14 THE COURT: Does your client understand what  
15 that is, Mr. Neville?

16 MR. NEVILLE: Oh, I think he does, your Honor,  
17 but I will make sure.

18 (Counsel and client confer.)

19 MR. NEVILLE: Yes, your Honor, he understands.

20 THE COURT: Does he agree to that?

21 MR. NEVILLE: Yes.

22 THE COURT: Okay.

23 I'm going to give you a copy of this letter,  
24 Mr. Galioto.

25 Do you want to give him a copy of this letter,

1 Madam Deputy, the letter with these allegations with the  
2 terrorist and the sabotage.

3 MR. NEVILLE: Your Honor, my client has just  
4 told me, reminded me to just apprise the court that our  
5 intention is to issue subpoenas on various governments,  
6 United States government agencies, to try to gain access  
7 to materials that could corroborate and verify the  
8 statements and the allegations that we make.

9 THE COURT: Not about the terrorism. That has  
10 nothing to do with this case,.

11 MR. NEVILLE: Right. Well --

12 THE COURT: I'm not going to issue subpoenas  
13 about that. Subpoenas will only be about the matters in  
14 this case and your defense or defenses.

15 MR. NEVILLE: Yes, your Honor. That's correct.

16 And I would be -- at the appropriate time. And  
17 of course I will present the documents to your Honor for  
18 your Honor's review because I think that the subpoenas  
19 will carry more weight if they are so ordered.

20 THE COURT: I would be glad to sign any  
21 subpoenas that help you in setting forth and arriving at  
22 evidence of your defense to this case. Of course.

23 MR. NEVILLE: Thank you.

24 THE COURT: Do we have the form?

25 MR. LUNGER: I'm handing it up, your Honor.

1           THE COURT: Let the record indicate that the  
2 defendant, Frederick Celani, his attorney, James Neville,  
3 and the prosecutor, Richard Lunger, have signed the waiver  
4 of speedy trial form. And I am signing an order excluding  
5 the time between today, February 5, 2010, and April 9,  
6 2010, from the operation of the Speedy Trial Act. And I  
7 do so with the consent of the defendant, in the interests  
8 of justice, and in the public interest.

9           We will see you on April 9.

10          MR. LUNGER: Thank you, your Honor.

11          MR. NEVILLE: Thank you very much, your Honor.

12          THE COURT: Thank you again, Mr. Neville.

13          (Proceedings adjourned at 2:30 pm.)  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25